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Via ECF and First Class Mail

Hon. William H. Pauley III
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Tocco v. Real Time Resolutions, Inc.*, No. 14-CV-810 (WHP)

Dear Judge Pauley:

We represent defendant Real Time Resolutions, Inc. ("Defendant") and we write to respectfully request that discovery be stayed pending resolution of Defendants' motion for certification and stay pending appeal (the "Certification Motion"). The Certification Motion was fully briefed as of January 16, 2015 and has been taken on submission by the Court. *See* Dkt. #48-50, 53-54.

As the Court may recall, in response to the Certification Motion, Plaintiff did not dispute that Defendant satisfied the requisite elements for certification pursuant to 28 U.S.C. § 1292(b), and, therefore, Plaintiff did not materially oppose the Certification Motion. Plaintiff also did not oppose Defendant's request for a stay in connection with the Certification Motion, and even indicated that the case should be stayed pending resolution of two separate appeals currently before the U.S. Court of Appeals for the Second Circuit – *Hart v. FCI Lender Services Inc.*, No. 14-cv-191 (2d Cir. filed Jan. 27, 2014) and *Franco v. Allied, Interstate, LLC*, No. 14-cv-1464 (filed May 12, 2014). Oral argument in *Hart* was held on August 27, 2014 and oral argument in *Franco* is scheduled for March 4, 2015.

Because the parties mutually agreed in their briefing that a stay of discovery is warranted here until, at the earliest, when the appeals in *Hart* and *Franco* are decided or, at the latest, when an appeal in this case is decided, it is evident that the parties agree that discovery should not proceed at this time. As detailed in the Certification Motion (and acknowledged by Plaintiff), there are a multitude of reasons justifying a stay of this action, including the significant resources that the parties and the Court will expend conducting discovery and a trial in the absence of a stay where Defendant has a high likelihood of success on the underlying issues that would be the subject of an appeal.

Accordingly, we respectfully request a stay of discovery pending resolution of the Certification Motion.

We thank Your Honor for your consideration of this matter.

Respectfully,

/s/ Casey D. Laffey

cc: All Counsel of Record (via ECF)